

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID ZEIGENFUSE

Plaintiff

v.

KEMP & ASSOCIATES, INC.

Defendants

**CIVIL ACTION
NO. 14-05954**

ORDER

AND NOW, this 17th day of March, 2015, upon consideration of Defendant's Motion to Dismiss (Doc. No. 8), Plaintiff's Response in Opposition (Doc. No. 10), Defendant's Reply (Doc. No. 16), Plaintiff's Sur-reply (Doc. No. 20), and the parties' positions at oral argument, it is **ORDERED** that the Motion is **DENIED**. It is further **ORDERED** that Plaintiff's Motion to Remand (Doc. No. 11) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.